

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORELLE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

## BURMA UNIFIED THROUGH RIGOROUS MILITARY ACCOUNTABILITY ACT OF 2022

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5497) to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5497

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Burma Unified through Rigorous Military Accountability Act of 2022” or the “BURMA Act of 2022”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 101. Findings.

Sec. 102. Statement of policy.

#### TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY COORDINATION WITH RESPECT TO BURMA

Sec. 201. Definitions.

Sec. 202. Imposition of sanctions with respect to human rights abuses and perpetration of a coup in Burma.

Sec. 203. Certification requirement for removal of certain persons from the list of specially designated nationals and blocked persons.

Sec. 204. Sanctions and policy coordination for Burma.

Sec. 205. Support for greater United Nations action with respect to Burma.

Sec. 206. Sunset.

#### TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY SUPPORT WITH RESPECT TO BURMA

Sec. 301. Support to civil society and independent media.

Sec. 302. Humanitarian assistance and reconciliation.

Sec. 303. Authorization of assistance for Burma political prisoners.

#### TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

Sec. 401. Report on accountability for war crimes, crimes against humanity, and genocide in Burma.

Sec. 402. Authorization to provide technical assistance for efforts against human rights abuses.

#### TITLE V—STATUTORY PAY-AS-YOU-GO ACT

Sec. 501. Determination of budgetary effects.

### SEC. 2. DEFINITIONS.

In this Act:

(1) **BURMESE MILITARY.**—The term “Burmese military”—

(A) means the Armed Forces of Burma, including the army, navy, and air force; and

(B) includes security services under the control of the Armed Forces of Burma such as the police and border guards.

(2) **CRIMES AGAINST HUMANITY.**—The term “crimes against humanity” includes the following, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(A) Murder.

(B) Forced transfer of population.

(C) Torture.

(D) Extermination.

(E) Enslavement.

(F) Rape, sexual slavery, or any other form of sexual violence of comparable severity.

(G) Enforced disappearance of persons.

(H) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

(I) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

(3) **EXECUTIVE ORDER 14014.**—The term “Executive Order 14014” means Executive Order 14014 (86 Fed. Reg. 9429; relating to blocking property with respect to the situation in Burma).

(4) **GENOCIDE.**—The term “genocide” means any offense described in section 1091(a) of title 18, United States Code.

(5) **TRANSITIONAL JUSTICE.**—The term “transitional justice” means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes, or employed by the international community through international justice mechanisms, to redress past or ongoing atrocities and to promote long-term, sustainable peace.

(6) **WAR CRIME.**—The term “war crime” has the meaning given the term in section 2441(c) of title 18, United States Code.

#### TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

##### SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Since 1988, the United States policy of principled engagement has fostered positive democratic reforms in Burma, with elections in 2010, 2015, and 2020, helping to bring about the partial transition to civilian rule and with the latter 2 elections resulting in resounding electoral victories for the National League for Democracy.

(2) That democratic transition remained incomplete, with the military retaining significant power and independence from civilian control following the 2015 elections, including through control of 25 percent of parliamentary seats, a de facto veto over constitutional reform, authority over multiple government ministries, and the ability to operate with impunity and no civilian oversight.

(3) Despite some improvements with respect for human rights and fundamental freedoms beginning in 2010, and the establishment of a quasi-civilian government following credible elections in 2015, Burma’s military leaders have, since 2016, overseen an increase in restrictions to freedom of expression (including for members of the press), freedom of peaceful assembly, freedom of association, and freedom of religion or belief.

(4) On August 25, 2017, Burmese military and security forces launched a genocidal

military campaign against Rohingya, resulting in a mass exodus of some 750,000 Rohingya from Burma’s Rakhine State into Bangladesh, where they remain. The military has since taken no steps to improve conditions for Rohingya still in Rakhine State, who remain at high risk of genocide and other atrocities, or to create conditions conducive to the voluntary return of Rohingya refugees and other internally displaced persons (IDPs).

(5) The Burmese military has also engaged in renewed violence with other ethnic minority groups across the country. The military has continued to commit atrocities in Chin, Kachin, Kayah, and Shan. Fighting in northern Burma has forced more than 100,000 people from their homes and into camps for internally displaced persons. The Burmese military continues to heavily proscribe humanitarian and media access to conflict-affected populations across the country.

(6) With more than \$470,000,000 in humanitarian assistance in response to the crisis in fiscal year 2021, the United States is the largest humanitarian donor to populations in need as a result of conflicts in Burma. In May 2021, the United States announced nearly \$155,000,000 in additional humanitarian assistance to meet the urgent needs of Rohingya refugees and host communities in Bangladesh and people affected by ongoing violence in Burma’s Rakhine, Kachin, Shan, and Chin states. In September 2021, the United States provided nearly \$180,000,000 in additional critical humanitarian assistance to the people of Burma, bringing the total fiscal year 2021 to more than \$434,000,000.

(7) Both government- and military-initiated investigations into human rights abuses in Burma involving violence between ethnic minorities and Burmese security forces have failed to yield credible results or hold perpetrators accountable.

(8) In its report dated September 17, 2018, the United Nations Independent International Fact-Finding Mission on Myanmar concluded, on reasonable grounds, that the factors allowing inference of “genocidal intent” are present with respect to the attacks against Rohingya in Rakhine State, and acts by Burmese security forces against Rohingya in Rakhine State and other ethnic minorities in Kachin and Shan States amount to “crimes against humanity” and “war crimes”. The Independent International Fact-Finding Mission on Myanmar established by the United Nations Human Rights Council recommended that the United Nations Security Council “should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal”. The Mission also recommended the imposition of targeted economic sanctions, including an arms embargo on Burma.

(9) On December 13, 2018, the United States House of Representatives passed House Resolution 1091 (115th Congress), which expressed the sense of the House that “the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide” and called upon the Secretary of State to review the available evidence and make a similar determination.

(10) In a subsequent report dated August 5, 2019, the United Nations Independent International Fact-Finding Mission on Myanmar found that the Burmese military’s economic interests “enable its conduct” and that it benefits from and supports extractive industries operating in conflict-affected areas in northern Burma, including natural resources, particularly oil and gas, minerals